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NSA-WK

MOST SECRET.

NOTE

on the

relationship of the civil and service authorities and the courts of the United Kingdom to the military and naval forces of the United States of America who are or may be in the United Kingdom or on board any of His Majesty's ships or aircraft.

Prepared

by

O.C.W.Fuhrman, O.B.E.

Under the direction of

H.R.Gollan Esq.,D.S.O.,M.C.

Australian Government Trade Commissioner in India.

and

Member of the Eastern Group Supply Council.

September - 1942.

Prejudice to legal proceedings against US forces

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MOST SECRET -

NOTE

on the

relationship of the civil and service authorities and the courts of the United Kingdom to the military and naval forces of the United States of America who are or may be in the United Kingdom or on board any of His Majesty's ships or aircraft.

The attached Appendices, which are (a) a summary of the considerations which prompted H.M.G. in the United Kingdom to introduce Legislation on the abovementioned subject and (b) a copy of the Statutory Rules and Orders to which Royal Assent has been given, have been kindly made available by Lieut General W.H.G. BAKER, C.B.,D.S.O.,O.B.E.,i.d.c., p.s.c., Adjutant General of the Army in India.

These documents have been brought to India by fast air-mail so that they may be available for consideration by the authorities in this country who are now in process of drafting legislation to cover precisely the same circumstances for which Legislation became necessary in the United Kingdom.

It has been thought that the Naval, Military and Air authorities in Australia might be interested in the attachments to this NOTE as might also the Department of the Attorney General.

OCWF.
September 4th, 42.

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APPENDIX "A"

NOTE:- Hereunder is a summary of the considerations which prompted H.M.G. in the United Kingdom to introduce Legislation providing for Jurisdiction over Members of the United States Armed Forced in the U.K.

OCWF.
4-9-1942.

1. In the last war the French Government concluded Agreements with His Majesty's Government and the United States Government whereby British and American courts-martial were allowed to exercise exclusive jurisdiction over members of their national Forces in France. The United States Government pressed for a similar Agreement in respect of their Forces in the United Kingdom, but the war ended before any definite decision had been reached. A Defence of the Realm Regulation (No.45F.) was, however, passed early in 1918 with the concurrence of the United States Government, under which the civil and military authorities of the United Kingdom were empowered to hand over to the American Service authorities for trial by American courts-martial members of their Forces committing any type of offence. It is understood that all American offenders who came into the hands of our authorities were in fact handed over under this Regulation. The administrative arrangements worked without friction and the United States Government were thus, in practice, granted the exclusive jurisdiction which they claimed.

2. The question of jurisdiction over foreign forces in the United Kingdom arose in practical form in the present war when Allied Governments and the remnants of their forces arrived here in the summer of 1940 and the Allied Governments set to work with our assistance to reconstitute their forces and to mobilise the man power still available to them..To meet this situation Parliament passed, in August 1940, the Allied Forces Act, which is in general terms and authorises the competent Allied authorities and courts to exercise in respect of members of their own Forces the powers conferred upon them by their national law in matters concerning discipline and internal administration, while reserving the concurrent jurisdiction of the civil courts of the United Kingdom in respect of offences against the law of the United Kingdom. The powers of the Allies' courts-martial are, however, limited in practice by the stipulation accepted by the Allied Governments in this country, that the offences of murder, manslaughter and rape committed against whomsoever by members of those Allied Forces shall always be tried by the civil courts of the United Kingdom.

3. When the arrival of American Forces in this country became imminent in November of last year, the American Ambassador raised in general terms with the Foreign Secretary the question of jurisdiction as a matter of urgency, and indicated that his Government considered that the arrangements made under the Allied Forces Act of 22nd August, 1940, in respect of jurisdiction over the national Forces of the Allied Governments temporarily established in this country were unsuitable for the American Forces as they would interfere with the exercise by United States Commanders of the necessary jurisdiction under American law. The question was at once examined by the Departments in consulation with the Attorney-General, further information was obtained through the United States Embassy of the views of the responsible departments in Washington, and two exploratory meetings have been held with representatives of the Embassy and of the Commanding Officers of the American Army and Naval Forces in this country. Meanwhile, in order to avoid as far as possible an awkward controversy arising with the United States authorities pending a decision of policy by Ministers, the Home Office have advised the police authorities in England and Wales to hand over to the United States Service authorities all Americans alleged to have committed offences against our law, except persons alleged to have committed murder, manslaughter or rape against a victim not a member of the American Forces, in which reserved cases the police have been asked to refer to the Home Secretary before instituting any proceedings. Arrangements have also been made in Scotland and Northern Ireland with a view to avoiding any immediate difficulty. It is apparent, however, that this arrangement can only hold the position temporarily

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and that a definite decision must now be taken as a matter of long term policy.

4. The conversations with the representatives of the United States fell broadly under two heads, namely, (1) that of the form of the necessary British measures to regularise the exercise of jurisdiction by the American courts-martial and to authorise the British civil and military authorities to co-operate, and (11) the policy to be followed in disposing of offences against the criminal law of the United Kingdom where there is concurrent jurisdiction by American courts-martial and our own civil courts.

5. As regards (i), the Americans objected at the outset to the application to them in any way of the Allied Forces Act, as they considered (largely on a misreading of the Act) that this would be to assimilate their Forces to those of the small "refugee" Allied Governments and to subject them to unacceptable restrictions. They also urged that it would be unacceptable to the United States authorities if any instrument issued by His Majesty's Government purported to confer jurisdiction on the American service courts and authorities over American forces in this country. They claimed that they already possessed such jurisdiction over all members of their Forces wherever situated outside the United States, both under their own municipal law and by virtue of International Law. Some time was spent in persuading the American representatives that the object of any United Kingdom legislation, whether Parliamentary or subordinate, was not to confer jurisdiction on the American service courts and authorities, but to ensure that our courts and authorities did not interfere with the exercise of jurisdiction by the Americans over their Service personnel. It is unnecessary to pursue this aspect of the matter further, as at the close of the discussions the representatives of the United States were brought to appreciate the necessity for an Order in Council under the Allied Forces Act, and were completely satisfied with a draft Order specially worded to meet their susceptibilities and point of view. This draft, which is annexed, has now been submitted by the American Representatives at the discussions to the Officers commanding the United States Army and NavelForces in the United Kingdom, who have expressed their agreement and appreciation for the trouble taken to meet their wishes on the questions of form and ask that the Order may be made as soon as possible to regularise the position. It is proposed to submit the Order to His Majesty in Council on the next occasion, without prejudice, of course, to the eventual decision of policy.

6. As regards head (ii), paragraph 1 (5) of the Schedule to the draft Order in Council empowers, but does not require, the arrest and handing over by our authorities to the American authorities of American Service personnel alleged to have committed offences against American Service law. The question for decision is now how far this power shall be exercised by our authorities. The Americans <u>claim</u> exclusive jurisdiction over men on duty and men "within the rayon of the fortress," basing themselves on the following passage from Oppenheim's <u>International Law</u>:-

> "Whenever armed forces are on foreign territory in the service of their home State, they are considered exterritorial and remain, therefore, under its jurisdiction. A crime committed on foreign territory by a member of these forces cannot be punished by the local civil or military authorities but only by the commanding officer of the forces or by other authorities of their home State. This rule, however, applies only in case the crime is committed, either within the place where the force is stationed, or in some place where the criminal was on duty; it does not apply if, for example, soldiers belonging to a foreign garrison of a fortress leave the <u>rayon</u> of the fortress, not on duty but for recreation and pleasure, and then and there commit a crime. The local authorities are in that case competent to punish them."

The Americans assert that they have also concurrent jurisdiction over their men outside these limits, and they go on to request, but not to claim as of right, complete exclusive jurisdiction over their men everywhere. The American argument in favour of their being allowed

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(Contd.)

complete exclusive jurisdiction even within the field of admitted concurrent jurisdiction runs on these lines. An American soldier is conscripted and sent overseas against or at least without his will. The American public will look with jealousy on the treatment which he receives while outside his native country, and particularly at any sentence passed upon him by a foreign court. American military and naval law extends "discipline" in respect of troops overseas to cover any offence whatsoever against the law of the country where those troops are stationed; American discipline is severe and condign punishment would be inflicted for any offences against our law. The American representatives urged, therefore, that in the interests of good relations between the two countries it would be far better that British courts, and so far as possible British authorities, should not be involved in the making prosecution or adjudication of charges against American service personnel. Moreover, apart from the political agitation and misrepresentation which would certainly arise in the United States of America if American soldiers were tried by a British court and subsequently detained in a British prison, they feared that a British court would, for obvious reasons, tend to show undue leniency to American offenders. The American representatives went on to give a formal assurance that any trial by an American court-martial would be in open court, except where security considerations forbade it, and that the trial of an American soldier or sailor who had committed an offence against a member of the civilian population would be arranged to take place within a reasonable distance from the place where the offence had been committed, so as to reassure civilian opinion; for example, an American soldier stationed in Northern Ireland, who, when on leave, committed an offence in Southern England, would be tried in the neighbourhood where the crime was committed and not removed to Northern Ireland for the purpose. Every facility would be given to the British authorities and British public to follow the proceedings and to learn their results, and bearing in mind the common source of British and American law, the American representatives felt strongly that there would be no ground for public dissatisfaction if their courts-martial were allowed to deal with all offences committed by their Service personnel. On the other hand, if we insisted on trying an American soldier or sailor in a British court the United States Government, instead of taking full responsibility for his proper punishment and for meeting any reasonable claim for damages by injured parties, would be bound to assume responsibility for the man's defence, which might well lead to an awkward situation.

7. The American argument was put forward by the American representativeswith great conviction and made a great impression upon the British representatives at the discussions. It is reinforced by practical considerations. It would be extremely difficult to lay down a workable line of demarcation between the cases to be tried by American courts-martial and those to be tried by the criminal courts of the United Kingdom. The expression "on duty" is one which it is almost impossible to define. The meaning of the phrase was discussed sufficiently far to ascertain that if pursued further we should become involved in a direct conflict with the Americans. They sketched out a claim that the soldier, from the moment he leaves American shores, is continuously on duty - a proposition which, if admitted, would result in a complete concession of exclusive jurisdiction to the American courts-martial, and said that if necessary they would be prepared to issue the necessary orders to this effect. Limitation of jurisdiction by locality - "rayon of the fortress" - is equally impossible to apply in modern conditions when soldiers may be billeted outside the limits of any defined camp; and engaged in manoeuvres or in driving army vehicles at great distances from it. A third possibility - limitation by the character of the offence - (which is the basis for the present interim and unilateral arrangement, see paragraph 3 above) was also discussed, but was rejected by the Americans both on general grounds and as cutting across their conception of all offences committed on duty being completely reserved to American courts on the principle of extra-territoriality. The drawing of any line would clearly present great difficulties, and if any line is drawn there is a grave danger that friction will arise in considering whether any particular case falls within or without it. A further consideration is the difficulty, if not

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impossibility, which our authorities would encounter if they tried (as they might well have to) to enter an American camp to enforce process, or subpoena or question witnesses.

8. The American representatives made it clear that their instructions to obtain complete exclusive jurisdiction as a matter of practice were rigid, and it is plain that they could only be altered by reference to very high authority in Washington. The position is, therefore, that the interim arrangements described in paragraph 3 will not satisfy the Americans and it is necessary to reach an early decision on the policy we are to follow. It seems clear that for political as well as practical reasons this policy must be to allow the American Service Courts and authorities to deal as widely as possible with their own offenders. If this is accepted the question is whether we should reserve, on the lines of the present arrangements with the police, certain offences, at any rate for discussion between the British and American authorities. The argument in favour of reserving certain offences is, of course, the risk that public feeling might be aroused in this country if serious crimes against civilians were not tried in our own courts. This is a matter of opinion, on which all the British authorities so far drawn into the discussions are not entirely agreed; but we would draw particular attention to the assurances which the American Service representatives gave to meet public opinion (see paragraph 7 above).

9. We feel that the balance of advantage is in favour of letting the Americans deal with all offences committed by members of their forces, as they were allowed to deal with all such offences in the last war.

10. The following are the broad alternative methods which may be adopted:-

(i) To make a "Gentleman's agreement" with the Americans that, acting under the wide powers conferred upon the British civil and military authorities in Clause 1 (5) of the annexed draft Order in Council, His Majesty's Government will take all practicable steps, by means of guidance of instructions to the competent British civil authorities, to hand over all offenders for whatever offences to the American authorities subject to certain safeguards as to the conduct of the trial in the case of offences against civilians (as already promised by the Americans). This course would have the great advantage of avoiding a frontal attack by way of legislation on a very difficult question of principle (i.e. the ousting of the jurisdiction of our civil courts). It would also have the considerable political advantage of not ventilating publicly - at least at the outset - the privileged position conferred upon the American Forces by comparision with those of the Allied Governments established in this country. There is further the consideration that a similar gentleman's agreement worked without friction in the last war. As against these advantages, there is the obvious difficulty that without legislation the central Government in England and Wales cannot prevent a private prosecution and have not complete control over the local police forces in the matter of prosecutions, and an extremely awkward situation would arise if a member of the American Forces had been actually charged with an offence, or arrest on warrant. The Lord Advocate has made it clear that without the authority of an Act of Parliament he cannot bind himself not to prosecute in the Scottish courts a member of the American forces. There is further the risk of criticism in Parliament and the press and the Government mighe be accused of giving away in secret a fundamental principle of the Constitution.

(ii) To introduce legislation to secure that all American Service offendors are handed over to the American authorities and that after they have been so handed over

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our Courts shall not exercise any jurisdiction over them. The advantages of legislation are that it alone can ensure a completely water-tight arrangement and avoid the risk of awkward criticism and complications such as might well arise from arranging matters ad hoc behind the scenes. The main disadvantage of legislation, apart from the trouble of going to Parliament, is that it would ventilate a difficult problem, which, as already observed, is complicated by the less favourable arrangements obtaining in the case of the small Allies. It would be necessary either to put the latter in the same position as the Americans, which is open to grave objection in the case of certain of the Allies and publicly to defend giving a specially favoured position to the United States Forces, which would certainly create some resentment among the Allied Governments in this country, despite the obvious differences between the situation of their forces (which, in fact, depend wholly upon us) and those of the United States.

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 APPENDIX "B"

*STATUTORY RULES AND ORDERS.

1942 No.

THE UNITED STATES OF AMERICA (VISITING FORCES) ORDER, 1942.

At the Court at Buckingham Palace, the day of , 1942.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas it is desirable to define the relationship of the civil and service authorities and courts of the United Kingdom to the military and naval forces of the United States of America who are or may hereafter be present in the United Kingdom or on board any of His Majesty's ships or aircraft, and to facilitate the exercise in the United Kingdom or on board any such ship or aircraft of the jurisdiction conferred on the service courts and authorities of the United States of America by the law of that country:

Now, therefore, His Majesty, in exercise of the powers conferred on Him by subsection (3) of section one of the Allied Forces Act, 1940, and of all other powers enabling Him in that behalf, is pleased by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:

1. Subsections (2) to (5) of section one, section two, subsections (1) and (3) of section five, and section six of the Visiting Forces (British Commonwealth) Act, 1933, shall have effect, as set out in the Schedule to this Order with adaptations and modicications, in relation to the military and naval forces of the United States of America.

2. - (1) In this paragraph and in the Schedule to this Order unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:-

"American force" means any body, contingent or detachment of the military or naval forces of the United States of America which is for the time being present in the United Kingdom or on board any of His Majesty's ships or aircraft;

"Home forces" means the naval, military and air forces of His Majesty raised in the United Kingdom; and "home force" means any body, contingent, or detachment of any of the home forces;

"Service authorities" means naval, military and (in relation to home forces) air force authorities;

"Service courts" means naval, military and (in relation to home forces) air force courts, and includes a service court of inquiry, and any officer who is empowered to review the proceedings of a service court, or to investigate charges or himself to dispose of charges, and the expression "sentence" shall be construed accordingly.

(2) Any power conferred by the provisions hereinbefore recited, as applied by this Order, to make an Order in Council or Order shall be construed as including a power to revoke or vary the Order-in-Council or Order.

(3) The Interpretation Act 1889, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

This order may be cited as the United States of America (Visiting Forces) Order, 1942.

*Royal Assent has been given to these Statutory Rules and Orders and they are now operative in the United Kingdom.

OCWF.

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SCHEDULE

THE PROVISIONS OF 23 GEO. 5.c.6. APPLIED WITH ADAPTATIONS AND MODIFICATIONS

1. (1).....

(2) The members of any service court of the United States of America exercising within the United Kingdom or on board any of His Majesty's ships or aircraft, in relation to members of an American force, jurisdiction conferred by the law of the United States of America, and any witnesses appearing before any such court, shall enjoy the like immunities and privileges as are enjoyed by a service court exercising jurisdiction by virtue of the Naval Discipline Act, the Army Act or the Air Force Act, as the case may be, and by witnesses appearing before such a court.

(3) Where any sentence has, whether within or without the United Kingdom, been passed upon a member of an American force by a service court of the United States of America, then for the purposes of any legal proceedings before a court of the United Kingdom the said service court shall be deemed to have been properly constituted, and its proceedings shall be deemed to have been regularly conducted, and the sentence shall be deemed to be within the jurisdiction of the court and in accordance with the law of the United States of America, and if executed according to the tenor of the sentence shall be deemed to have been lawfully executed; and any member of an American force who is detained in custody in pursuance of any such sentence, or, pending the determination by such a service court as aforesaid of a charge brought against him or pending any preliminary examination by the service authorities of the United States of America, shall for the purposes of any such proceedings as aforesaid be deemed to be in legal custody.

For the purposes of any such proceedings as aforesaid a certificate under the hand of the officer commanding an American force that any person is being detained for any of the causes aforesaid shall be conclusive evidence of the cause of his detention, and a certificate under the hand of such an officer that the persons specified in the certificate sat as a service court of the United States of America shall be conclusive evidence of that fact.

(4) No proceedings in respect of the pay, terms of service or discharge of a member of an American force shall be entertained by any court of the United Kingdom.

(5) For the purpose of enabling the service courts and service authorities of the United States of America to exercise more effectively their jurisdiction in relation to members of an American force, a Secretary of State, the Admiralty, the Army Council, or the Air Council, if so requested by the officer commanding an American force, or by the Government of the United States of America, may from time to time by general or special orders authorise the arrest and custody of members of an American force alleged to have been guilty of offences punishable under the law of the United States of America, and the handing over of any such persons to the appropriate authorities of the American force.

2.- (1) Any Government Department, Minister of the Crown, or other person in the United Kingdom, may perform, at the request of the officer commanding an American force, any function in relation to that force and members thereof which that department, Minister, or person performs or could perform in relation to a home force of like nature to the American force, or in relation to members of such a force and, for the purpose of the exercise of any such function, any power exercisable by virtue of any enactment by the Minister, department or person in relation to a home force of members thereof shall be exercisable by him or them in relation to the American forces and members thereof.

Provided that nothing in this subsection shall authorise any interference with the American force in matters relating to discipline,

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or to the internal administration of the force.

For the purposes of this subsection, the Admiralty, the Army Council and the Air Council shall be deemed to be Government departments.

(2) The following provisions shall have effect in any case where a member of an American force is sentenced by a service court of the United States of America to any form of imprisonment or detention:-

(a) the member of the American force may, under the authority of a Secretary of State or the Admiralty, given at the request of the officer commanding the American force, be temporarily detained in custody in a prison or detention barrack in the United Kingdom, or may, under the like authority, be imprisoned or detained during the whole or any part of the term of his sentence in a prison or detention barrack in the United Kingdom;

(b) the Admiralty, the Army Council or the Air Council may make arrangements with the service authorities of the United States of America with respect to the reception from those authorities of persons who are to be detained or imprisoned as aforesaid, and their return to those authorities, and with respect to the circumstances under which any such persons are to be released;

(c) the provisions of any enactment, regulations rules or orders relating to the treatment of prisoners serving sentences of imprisonment or penal servitude in prisons in the United Kingdom, and the manner in which such persons are to be dealt with in the event of their unsoundness of mind, shall apply to persons detained or imprisoned in prisons in the United Kingdom under this subsection in like manner as if -

(i) any such person who has been sentenced to detention or imprisonment for a term of less than three years were a person sentenced to imprisonment by a court of the United Kingdom;

(ii) any such person who has been sentenced to detention or imprisonment for a term of three years or more were a person sentenced to penal servitude by a court of the United Kingdom;

(d) the provisions of any enactment, regulations, rules or orders relating to the treatment of members of the home forces detained in detention barracks in the United Kingdom, and the manner in which they are to be dealt with in the event of their unsoundness of mind, shall apply in like manner to persons detained in detention barracks in the United Kingdom under this subsection;

(e) any costs incurred in the maintenance and return of, or otherwise in connection with, any person dealt with in accordance with the provisions of this subsection shall be defrayed in such manner as may, with the consent of the treasury, be agreed between the Secretary of State or the Admiralty and the Government of the United States of America.

(3) Subject as hereinafter provided, any enactment (whether contained in the Naval Discipline Act, and Army Act, the Air Force Act, or any other statute) which -

(a) exempts, or provides for the exemption of, any vessel, vehicle, aircraft, machine or apparatus of, or employed for the purposes of, the home forces or any of them from the operation of any enactment; or

(b) in virtue of a connection with the home forces or any of

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them, confers a privilege or immunity on any person; or

(c) in virtue of such a connection, excepts any property, trade or business, in whole or in part, from the operation of any enactment, or from any tax, rate, imposition, toll or charge; or

(d) imposes upon any person or undertaking obligations in relation to the home forces, or any of them, or any member or service court thereof; or

(e) penalises misconduct by any person in relation to the home forces or any of them, or any member or service court thereof;

shall, with any necessary modifications, apply in relation to an American force as it would apply in relation to a home force of a like nature to the American force :

Provided that the provisions of the Naval Discipline Act, the Army Act and the Air Force Act relating to witnesses at service courts, shall apply in relation to service courts of the United States of America as if for the method of summoning witnesses there were substituted such method as may be prescribed by orders made by the Admiralty, the Army Council or the Air Council, and His Majesty may by Order in Council direct that any other enactment referred to in this subsection either shall not apply, or shall apply with such exceptions and subject to such adaptations or modifications as may be specified in the Order.

(4) An Order in Council under this section may apply either generally, or in relation to any particular American force, or in relation to any particular place.

. . . . . .

5 (1) His Majesty may as regards any colony by Order in Council direct that the provisions of subsection (1) of section one of the Allied Forces Act, 1940, together with the provisions, as applied by this Order, of sections one and two of the Visiting Forces (British Commonwealth) Act, 1933, or such of those provisions as may be specified in the Order, shall, subject to such adaptations and modifications as may be so specified, apply in that colony in relation to the forces of the United States of America as they apply in the United Kingdom.

An Order in Council under this subsection may apply any such provisions either generally or in relation to any particular American force.

(2) . . . . .

(3) In this section the expression "colony" includes any territory which is under His Majesty's protection.

6. The last foregoing section shall apply in relation to any territory in respect of which a mandate on behalf of the League of Nations is being exercised by His Majesty's Government in the United Kingdom as if that territory were for the time being a colony.

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Copy JF.

COMMONWEALTH OF AUSTRALIA.

Australia House,
London, W.C.2.

25th.September, 1941.

REC'D
24 OCT 1942
EXTERNAL AFFAIRS

My dear Prime Minister,

On the 18th July last I wrote a letter to Menzies in which I enclosed two Memoranda, one dealing with the question of Political Warfare and the other with Anglo-American post-war economic co-operation. I presume you have seen this letter and the Memoranda, but if you have not, I suggest that you should get them and read them.

The situation has changed considerably since I wrote my letter and drafted the enclosed Memoranda. The Eight Points embodied in the President's and the Prime Minister's statement which are now generally known as the Atlantic Charter, have cured a defect in Eden's Mansion House speech, to which I specifically refer in the Memorandum marked "A". The Atlantic Charter gives the basis upon which to found our propaganda in the conduct of our political warfare and I am hopeful that Bracken, the new Minister for Information, will show rather more vision than his predecessors.

The Atlantic Charter also underlines the necessity for Anglo-American post war economic co-operation about which so much has been said and written. The idea of postwar economic co-operation was taken a step further yesterday at the meeting of the Allied Governments in London when the Atlantic Charter was endorsed and approval was given to the resolutions dealing with the question of Europe's immediate post war requirements.

The position at the moment, therefore, is that there is universal agreement as to the necessity for post-war economic co-operation but little has been done to pave the way for this to be brought about. The United Kingdom Government at the moment has not determined its policy and as you know nothing has been done in the direction of Inter-Empire consultation.

The necessity of determining the broad lines of policy and for consultation with the Dominions is now beginning to be brought home to the United Kingdom Government particularly as a result of the difficulties which arose in framing the fourth of the Eight Points of the Atlantic Charter. This point raised the definite issue of whether the United Kingdom's post-war policy was to be one of bilateral treaties using her bargaining powers to the maximum, aided by devices such as Exchange control, or a policy of multi-lateral treaties with the greatest possible elimination of artificial restraints on trade.

As the United Kingdom Government had not seriously considered this vast issue itself and certainly had not consulted the Dominions upon it, the difficulty for the moment was got over by the insertion of the words "with due respect for their existing obligations". This question again emerged at yesterday's meeting of the Allied Governments in London. It was got over again for the moment by inducing the Dutch Foreign Minister to alter his proposed statement in the manner I indicated to you in my cablegram No. 50. These expedients have, however, only achieved a postponement and the fundamental question of what is to be our post-war economic policy has to be determined.

See file notes re Post War Reconstruction

The Hon. A. W. Fadden, M.P.
Prime Minister of Australia.

.....

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Once the issue is faced I have little doubt what the decision must be. The story of the last 20 years has taught the lesson of the dangers and impracticability of self-containment. Even if this were not so the hard facts are that if the British Empire tried to pursue a policy of self-containment for its own benefit, it would come into collision with the United States of America, which will be in far too strong a position for us to undertake an economic fight with her in the post war world.

This decision as to the United Kingdom's views on post war economic policy will, I think, as a result of recent happenings, be arrived at in the most distant future and then consultation with the Dominions will be undertaken. This is all to the good because unless we succeed during the war in establishing, with the United States of America, agreement on the main lines of economic collaboration, it will be extremely difficult, if not impossible, to do so once Governments are faced by the revival of competition for markets and the urgent problems of demobilisation and the reabsorption of their nationals into civil employment.

The most serious factor is that if we should fail to secure economic co-operation with the United States of America the prospects of effective political collaboration would be gravely jeopardised.

In view of the probability of this important issue having soon to be considered, it is desirable that the Commonwealth Government should give consideration to the issues involved. From the purely Australian point of view, in my opinion, there is no doubt, where our best interests lie. Bilateral trade arrangements by the British Empire with the maintenance of a full scale of Imperial preference would have some attractions but they are limited and we shall be hard put to it to maintain such a scale because of our increasing difficulties in offering reciproval benefits owing to the expansion and development of our secondary industries.

Even on the existing basis the benefits to Australia of Imperial preference are limited. Certain preference such as those on Dried Fruit and Sugar are of great importance to us. Others, such as that on butter are of limited value. The best, however, to which we can look forward from the full continuance of existing Imperial preference is the maintenance of the volume of our exports of primary products and even this is doubtful. If we are to progress and develop our potential resources, we have to look to a general revival and expansion of world trade.

Having for a number of years felt that only by this means could adequate markets be provided for both the industrial and the agricultural exporting countries, my mind has been naturally directed towards the question as to how it could be brought about.

Experience has taught me that the advocacy of wise economic policies is not enough and that it is necessary to frame proposals that will attract sufficient support from the general mass of the people as to enable Governments to obtain political support for the necessary measures to implement them. This led me to the view that progressive improvement in the standard of living was probably the most promising objective. This would, in addition, have the result of increasing the purchasing power of the people which is essential if general expansion of world trade is to be brought about.

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Having arrived at this view I also came to the conclusion that it was necessary to express the objective aimed at in concrete and simple terms which would be readily understood by the ordinary man and woman.

Among the various factors which constitute a standard of living, food occupies a special place because the close relationship between adequate food and satisfactory health is a matter of vital concern to every citizen. This fact is generally recognised as is shown by the wide public interest in nutrition in both the United Kingdom and in the United States of America.

It was with this in view that Australia took the initiatives at the Assembly of the League of Nations in 1935, and the International Labour Conference of the same year, with regard to standards of living and nutrition with particular emphasis on the latter. These initiatives were followed up at subsequent meetings of the Assembly and before the war Australia had established a position for herself where she was, to a considerable extent, leading world opinion with regard to them.

With the coming of the war the work which had progressed most satisfactorily, both in the political and economic spheres, in connection with these two subjects was thrown into the background. A great deal of quiet work, however, continued to be done and these questions again became very live issues with President Roosevelt's message to Congress outlining his Four Freedoms. They have been further emphasised by the Atlantic Charter and are now attracting increasing interest both in this country and the United States of America. As I have little doubt they will require your earnest consideration in the not distant future, it is desirable that I should give you something of the background of what has been taking place here over the past few months.

During the time when Mr. Winant was the head of the International Labour Office I had close associations with him which were resumed when he came here as the United States Ambassador. As a result I have had many discussions with him concerning the importance of reaching, during the war, an understanding with regard to post war economic co-operation between the British Empire and the United States of America and in particular with regard to the role which policies for human welfare might play in post war reconstruction.

The Ambassador was personally very interested and when he returned to America in June last he discussed these questions with the President and Vice President, both of whom had shown a keen interest. Soon after the Ambassador returned to London it was decided to send McDougall to Washington to represent Australia at the Wheat Conference. As you know McDougall has worked in very close co-operation with me for many years on these questions and a great part of the results which have been achieved are due to his initiative, industry and perseverance. I decided to take advantage of his visit to America to put him in touch with the Vice President who is playing an increasing part in regard to questions of post war reconstruction, and after consultations with Casey, to sound out American official opinion on these subjects.

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As a result of the active interest of the Vice President and the good offices of Casey, McDougall was able to make a large number of contacts with high officials in the Administration including the Secretary of Agriculture and Mr. Sumner Welles, the Assistant Secretary of State.

Following on the contacts which he made, McDougall has reported to me that the American Administration is extremely interested in the possibilities of policies for human welfare as part of post war reconstruction and are prepared to go quite a long way in implementing such policies. They showed particular interest with regard to the question of nutrition.

It so happened that the period while McDougall was in Washington proved particularly suitable for the discussion of these problems since the Department of Agriculture was expressing some nervousness as to the ultimate effects upon American agriculture of the need to expand the production of milk and milk products, eggs, bacon etc. in order to meet British food requirements under the Lease-Lend programme.

In the discussions which occurred in Washington, it became clear that if the United States were to undertake, in common with Great Britain and the Dominions, to adopt policies which would, after the war, ensure to all our peoples diets adequate to health, the result would be that America would herself need to consume so much more of these types of food that she would need to use internally at least as large an increased production as is likely to be requested for Britain during the war period.

As an outcome of these discussions a very brief single page memorandum was prepared by McDougall, which clearly sets out the general objectives. I am enclosing a copy of this paper.

During McDougall's last few days in Washington, he had final interviews with Mr. Henry Wallace, Mr. Claude Wickard, the Secretary of Agriculture and Mr. Sumner Welles.

From my conversations with Mr. Winant, and the reports that McDougall has given me I am quite clear that the United States Administration is intensely interested in the idea of placing policies with regard to food in the forefront of post-war economic reconstruction.

In order to determine the possibilities and to see how far it would be practicable to act in the direction set out in the first two Points of the attached Memorandum, the United States Administration would be willing to consider the summoning of a Conference between representatives of the United States, the United Kingdom, Australia, Canada and New Zealand. Before taking any steps in this direction, however, they desire to know what the reactions of the United Kingdom and the Dominions concerned would be to such a proposal.

In order to test this I think it is probable that in the near future Mr. Winant will be instructed to approach the British Government and if this does happen you will, no doubt, be consulted immediately.

The necessary consideration by the United Kingdom Government and consultation with the Dominions will take some time. If as a result of this consideration and consultation agreement is reached as to the desirability of holding a Conference in Washington, a further period will be required for preparatory work. Under these circumstances it seems improbable that the suggested Conference can take place

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before March or April of next year. I felt it desirable, however, to advise you of the position so that you can arrange for the necessary preparatory work to be done in Australia prior to these important issues having to be considered by your Cabinet.

These questions will, I know, be of intense interest to you as apart from the great economic and social significance of this line of approach to increased world trade, you will readily realise that if the nations of Europe including the United Kingdom can be induced to place adequate nutrition in the forefront of their reconstruction programmes, the effect upon the exporting agricultural countries will be very beneficial.

Yours sincerely,

(Sgd.) S.M.Bruce.

.....

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FREEDOM FROM WANT.

A Beginning.

In order to implement in part that aspect of the Roosevelt-Churchill Declaration which is concerned with freedom from want it is proposed that the nations of the British Commonwealth and the U.S.A. should enter into an agreement:-

(i) to accept national policies to ensure that all sections of the populations of our respective countries shall be able to secure diets "adequate for health".

(ii) to direct our relief and reconstruction policies towards enabling Europe and other countries to be in a position to adhere to the proposed agreement.

The most elementary measure of social justice is that all children born in a modern democracy shall have, so far as public action can influence the issue, equal opportunities for the enjoyment of a healthy life.

Actually a child born of poor parents in a poor district has a far lower expectation of life and of freedom from disease than the child of well-to-do parents.

Inadequate food is one of the major factors causing this grave social inequality.

The advantages of selecting food as the first objective in the campaign for "freedom from want" are:-

(a) that a diet "adequate for health" is a known factor;

(b) that its provision is well within our productive capacities;

(c) that in no other way can public health be so markedly and rapidly improved;

(d) that along such lines the agricultural problems of our respective countries can be solved;

(e) that the adoption of this policy would have a most stimulating effect upon international trade.

The methods to be adopted will vary from country to country. In the U.S.A. a nationwide enlargement of the 'Blue Stamp' plan might prove suitable, in the U.K. the means might well be to adapt wartime food policy for consumers to the more generous scales possible in peace.

The costs involved will be substantial but will be far lower than wartime costs provided full use is made of the natural advantages of domestic agricultures and of the potential abundance of imports of certain foods.

Agreement between our countries along the lines envisaged would:

(i) provide an intelligent basis for further commodity agreements (the draft wheat agreement is a case in point).

(ii) facilitate the planning of relief and reconstruction.

(iii) constitute an important step towards the elimination of the grosser forms of social injustice.

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USA-UK

DEPARTMENT OF EXTERNAL AFF.

PRIME MINISTER'S DEPARTMENT.

CABLEGRAM.

1.39293/251/224/252

PJC/HB

XBo521
Sent 2nd October, 1942.
2050
Received 4th October, 1942.

DECYPHER FROM
SECRETARY OF STATE FOR
DOMINION AFFAIRS,
LONDON.

MOST SECRET

Circular D.396.

MOST SECRET AND PERSONAL.

Following for the Prime Minister. Following is repetition of telegram from His Majesty's Ambassador, Moscow to Foreign Office No.179, 28th September.

"For more than an hour yesterday Mr. Willkie spoke of Anglo-American relations. He asked that I should pass his observations on to you, and I do so at length because they seem to me to be important.

He said he thought that he could now claim that he was known to be warm advocate of the closest understanding between the two peoples and the two Governments during the war and still more after it. His mind had always told him that this was sheerest common sense.

His visit to England had brought his heart into harmony with his mind. It seemed to him that the whole future of mankind depended upon the getting together of his countrymen and ours, and that it would be a stark tragedy if this did not come about. He had therefore thrown, and would go on throwing the whole weight of his influence (which was by no means small and which might well one day be much greater) into the bringing about of this understanding. About this he was no less eager than those who were now in charge of affairs in Washington.

See file with reply to Prime Minister's Office Secretariat Pacific Council

There was, in the United States a large body of thinking people, who were whole heartedly with the President and with him. But there was one element in the situation which was of such importance that no one but a madman could neglect it, for with it ultimately the decision would lie.

He referred to the great amorphous mass of public opinion. It was a capricious and incalculable thing. It tended to crystallise this way or that, and once it had crystallised no man, no body of men, could make it fluid again. It could perhaps be slightly canalised, but it would be in effect the master of the men at (the men) at the White House.

It would be American public opinion - in other words the real feelings of his people for ourselves - that would decide which way the United States went after the war, whether they would again shake off the old world or whether she would lend a hand in rebuilding it. The first of these points to disaster, the second was full of the highest promise.

2. He had spoken at length about public opinion in his country because he was frankly "scared" about it. He was obliged to tell me that it was shaping itself dangerously. He had been dismayed to find that throughout his journey from Washington to Moscow, he had not found one of his countrymen - and there must have been hundreds of them, ranging from truck drivers to Ambassadors - who had a

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CABLEGRAM.

friendly word to say of the British with whom they had come into contact.

Indeed he had found the feeling against us to be so strong and so widespread that it filled him with the gravest concern. Each one of his countrymen on the road was a part of American public opinion. In regions through which he had travelled they could probably be counted in hundreds, but soon they would be counted in thousands, and, before the war was over, millions of Americans would be rubbing shoulders with the British all over the world, if, as now seemed likely, each one of these men went home in due course and told his tale, American opinion would be so mis-shapen that there would be no escape from the disaster to which he had referred.

It was urgently necessary to take steps to put this right.

3. I asked him to analyse the causes of this hostility. He admitted that this was difficult, but he would say at once that nearly all Americans who went to the United Kingdom returned with warmth in their hearts.

It was the British abroad, more particularly in countries where their influence was predominant, that stirred up the present trouble.

Americans were rough and inexperienced. They lived in terms of ill-digested axioms. The word "democracy", of which few of them understand the meaning, played a large part in their thougnts. He must confess that something of the George III tradition still survived.

The British Commonwealth and the way it had developed was one of the finest things in history, but few of his people understand it. Although Canada was their neighbour, most Americans thought that her freedom, and that of other Dominions, was still in the fetters of Whitehall.

Something should be done to clear this up and to teach the Americans what the Commonwealth meant.

4. Then came the Colonies. Whether we liked it or not, in America the word "imperialism", in its most unattractive sense, still clung to us. The average American did not pause to reflect that his own country too had dabbled in imperialism. He merely thought of British imperialism and of the subject races, and he persisted in the belief that the old system would end after the war. His whole judgment of us was discoloured by this belief. India was of course a dangerous point but Sir Stafford Cripps' visit had done something to blunt its sharpness.

There remained, however, other dependencies. Could not something be done at once to persuade Americans that our post-war policy towards subject races would be on the broadest and most liberal lines?

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Conversations he had had with British Colonial and other Officials on the road had suggested that they, at any rate, were contemplating no changes. He himself attached the greatest importance to this. If he were confident that our future policy would be liberal and progressive, he would use all his influence to swing opinion into fullest appreciation of it. If, however, he were not convinced, he must tell me frankly that he would be obliged to come out against us.

He begged me to understand that what he had now said was in no sense a threat, it was straight from his heart.

5. Finally there were the characteristics and temperaments of the two peoples. His people were cursed with an inferiority complex, the manifestation of which - breeziness, bad manners and aggressiveness - irritated the British. This was lamentable, but undeniable.

Against it was to be set the superiority complex of the British reflected in their manner, their sophistication, their patronising and their understanding. The result of this was as often as not, an indecisive personal relationship. It was hard to suggest a cure for this, but he would urge very strongly that a word should be "passed down the line" to our people to remember that the Americans were raw and touchy and to practise forbearance.

He would see to it that a like word was said to the Americans. Here he spoke of the painful impression that Cairo had made upon him and other Americans. He had found an apparent attitude towards the war which he could only describe as lackadaisical. He well knew that it was only skin deep - largely a question of manner - but it shocked the Americans who saw in the absence of a forcibly expressed determination to "tear the guts out of Hitler" a lack of the will to do so.

He fully appreciated that our people whom he had met must also have their view about the Americans. They were entitled to, but it was not his present purpose to scrutinise this. What he wanted to tell me quickly and broadly was what the Americans were feeling.

6. In conclusion he said that after saying so much, he felt obliged to suggest a solution. He felt strongly that an immense step in the right direction might be taken in the form of a speech by the Prime Minister, treating on broad lines the post war policy of His Majesty's Government as regards the Empire and showing that in respect of dependencies the "old imperialism" was as dead as he believed it to be, and that subject races could look to the future with new confidence. He knew that Mr. Churchill did not feel that the time had yet come to make a clear-cut statement about war aims in general, but he most earnestly hoped that this did not apply to the Empire.

Please see my immediately following telegram.

Copy to War Cabinet,
Defence,
E.A.

4/10/42

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DEPT. OF EXTERNAL AFFAIRS

PRIME MINISTER'S DEPARTMENT.

MOST SECRET

CABLEGRAM.

NHJ/NR. I. 39298.
CS 94.

DECYPHER FROM :- DATED: 2nd October, 1942.
2050.

Secretary of State for Dominion Affairs, RECVD: 3rd October, 1942.

RECEIVED OCT 3 EXTERNAL AFFAIRS

LONDON.

D. No. 397. MOST SECRET AND PERSONAL.

Following for Prime Minister.

My telegram D. No. 396 following is text of telegram from His Majesty's Ambassador, Moscow to Foreign Office, N.R.180 of 29th September. Text begins -

I am bound to say that I was impressed by the earnestness and obvious sincerity with which Mr. Willkie spoke. Much of what he said about American hostility I had already heard from an American journalist who is a warm friend of ours and whom I respect (Walter Graebner of "Time" who is probably well-known to the News Department). From other sources too, similar stories have found their way up to Moscow particularly about Cairo.

2. I think that we may assume that Mr. Willkie has high hopes of being the next President of the United States and that he was thinking of this matter in terms of difficulties he would have in handling American public opinion when the time came. All he said convinced me that he was both greatly concerned and genuinely desirous of co-operating with us to the fullest extent.

He remarked incidentally that he had been distressed to find the natives of the countries through which he had passed, hostile to, and suspicious of us, accusing us everywhere of wishing to take advantage of the war to "grab" all we could. It was not unnatural that disgruntled people should want to air their grievances, but he found that his countrymen lent a ready ear to such stuff which served to confirm them in the opinions they had themselves formed.

He said also that he had been to the front in Egypt and had been greatly impressed by the spirit of the troops. He spoke in terms of highest praise of General-Officer-Commanding 8th Army. Text ends.

Copy to War Cabinet.
Defence
External Affairs.

4th October, 1942.

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JP.

SECRET.

EXTRACT FROM
WEEKLY POLITICAL INTELLIGENCE SUMMARY NO. 119.

Foreign Office,
(Political Intelligence Department).
January 14, 1942.

On the 3rd January His Majesty's Ambassador in Washington received from Mr. Hull a memorandum, which had been drawn up by the State Department, on the question of British publicity in the United States. With the United States now a belligerent, the Department apparently feels that the activities of the British Information Services there should be curtailed and concentrated in the embassy; that its attempts to deal directly with various European minorities and "hyphenated" groups should cease; and that, as there would now be need for the relief of Americans, the work of the British War Relief Society and similar organisations should give way to that of the American Red Cross. The Department are also of the opinion that the Inter-Allied Committee in New York, which has hitherto provided a liaison between the representatives in the United States of the various Allied Governments, should now be wound up. In making these suggestions the aim of the Department would appear to be, not only to clear the way still further for the full co-ordination of Anglo-American publicity, but also to forestall the possibility of the Anglophobes or agents of* public British policies opposed to those of the United States Government.

* enemy Powers interpreting our "propaganda" as trying to sell to the American

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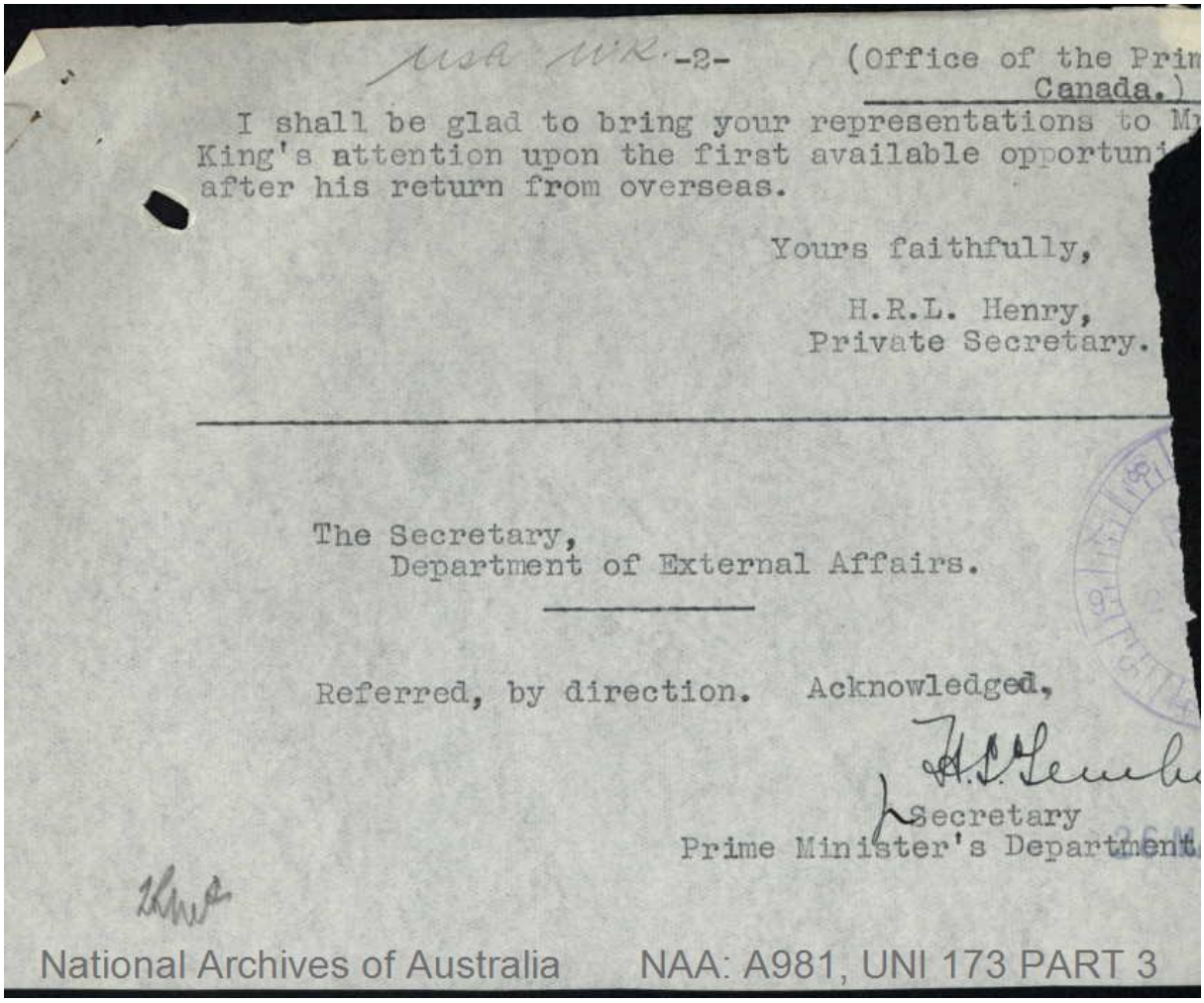

-2- (Office of the Prim
Canada.)

I shall be glad to bring your representations to M
King's attention upon the first available opportuni
after his return from overseas.

Yours faithfully,

H.R.L. Henry,
Private Secretary.

The Secretary,
Department of External Affairs.

Referred, by direction. Acknowledged,

H.R.L. Henry
Secretary
Prime Minister's Department.

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COPY KS/PH

D.41/1/5

Wheathampstead,
H E R T S.

23rd March, 1942.

The Right Honourable,
The Prime Minister of Australia,
Canberra, Australia.

Sir,

Great Britain and the United
States of America.

Having regard to the present position of affairs between your Dominion and the United States of America as reported in the London press of yesterday's date, (Sunday), herewith is copy of a Petition which I addressed to His Majesty the King, dated the 16th. July last year, upraying for an Act of Union between our two countries. I sent it per the Under Secretary of State for Foreign Affairs.

I sent a copy to the Prime Minister of Canada whose Private Secretary wrote me on the 25th September last as per copy enclosed.

What are your views with regard to this?

I am, Sir,
Your obedient Servant,

R. de Mornay Davies.

ENC.

Office of the Prime Minister,

(Royal Arms). Canada.

Ottawa, September 2, 1941.

(Received 25 Sept. 1941 R.de M.D.)

R. de Mornay Davies, Esq.,
Wheathampstead,
Herts,
England.

Dear Sir,

In the absence of the Prime Minister, I wish to acknowledge the receipt of your letter of August 8th, and the enclosed copy of a petition which you have addressed to His Majesty the King, respecting a union of Great Britain and the United States.

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In the Name of the Father, and of the Son, and of the Holy Ghost. Amen.

TO HIS MOST EXCELLENT MAJESTY GEORGE, the SIXTH, by the Grace of God of Great Britain, Ireland, and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India, Sovereign of the British Orders of Knighthood.

THE HUMBLE PETITION of Reginald de Mornay Davies of Wheathampstead in the County of Hertford, a member of the Choir of the Parish Church of Wheathampstead aforesaid, a Freeman of the City of London, a Solicitor of the Supreme Court of Judicature in England and a member of the Law Society, London.

SHEWETH that:-

Forasmuch as Almighty God alone can overcome the devil and all his works your Petitioner doth assert that an Act of Union between two nations, both of whom profess and believe the doctrines of the Christian Religion, so must they together surely overthrow the enemy now arrayed against us for he hath declared his unbelief in God and his barbabous deeds have proved him to be a servant and worshipper of the devil.

Therefore, for the mutual protection of the two great English speaking nations, for the future peace and tranquility of the world and so that the lives of thousands, and those of the youth of all countries in particular, may be saved for the object which the Creator intended they should be utilised, namely for the promotion of human happiness and human prosperity, your Petitioner doth humbly submit that the only manner in which this can be guaranteed for all time is by an union of Great Britain with the United States of America to be known, as from and after the passing of an Act of Union, as the

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United Kingdoms of Great Britain, Ireland and the United States of America and of the British Dominions beyond the Seas. Your Petitioner doth further humbly submit it hath been established beyond all possible shadow of doubt that the only way to command the respect of the German people as a nation and their rulers is for this country to possess a vast navy, a vast military organisation, fully equipped with every type of modern weapon of offence and defence, and essentially an air force which must be immeasurably superior to any other in the world, and this can only be achived by an union of the two countries. Your Petitioner doth aver that this also solveth the problem of how the German nation can be controlled and kept in check in the future as being a much more efficacious and decisive course than an army of occupation (which, however, will also be necessary for a very long time to come), composed of units of every European state now fighting against German rule or subjugated under it.

Your Petitioner doth further humbly submit that the present time is most opportune for an Act of Union having regard to the material assistance which the Government of the United States of America hath already rendered to His Majesty's Government and the cordial relations now existing between the peoples of the two countries and also for the potent reason that such an Act of Union now between the Governments of the two countries is bound to impose a tremendous dominant moral pressure upon the Government of Germany for although by reason of the premises the United States of America must enter the war as a Dominion of the British Empire these two factors may ensure victory to the united Governments very much sooner than is at present hoped for by the people of this country.

Your Petitioner doth also aver that there are many logical arguments in favour of such an union and doth enumerate some of them as hereinafter followeth, that is tosay,

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1. American citizens are descendants of the English for in the year 1620 the Pilgrim Fathers embarked on the Mayflower at Southampton, landed on the shores of the American Continent and were the founders of their great nation.

2. They were British subjects just over 150 years ago and by an Act of Union they will become so again.

3. From a well known and leading London daily newspaper of the 23rd. June, 1939 reporting the arrival of your Majesty and your Majesty's Consort in London on the previous day after your visit to America your Petitioner doth quote an extract as hereinafter followeth which at the time was pregnant of great future significance to both countries. It stated, "They stayed on terms of intimate friendship with the head of a great state, once subject to the British Crown, and made friends of millions of his citizens."

4. Your Petitioner doth regard the Lease and Lend Bill as a material stepping stone towards an Act of Union for in return for a grant by the Government of the United States of America of £1,750,000,000 to give immediate effect to this Bill, and in the words of their President "to produce every gun, 'plane and munition of war we possibly can for the world democracies," your Majesty's Government hath leased, for the term of ninetynine years, various bases in certain of our Colonial possessions to the Government of the United States of America.

5. The commercial and business interests of the people of both countries are very much interwoven and this is especially so in the case of America and Canada. An Act of Union will greatly enhance these interests for it will inspire much more confidence and goodwill amongst them than is now whilst they are separate peoples and the enormous wealth of the old world and the new combined will be an invincible power for the ~~preservatic~~ preservation of peace.

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expedient and advisable

6. Our systems of government are virtually the same and our legal systems are similar.

7. United we shall stand but divided we may fall so that the day when the Act of Union is proclaimed to be law by the Parliaments of both countries will be indeed a glorious and memorable one for then the whole of the English speaking race throughout the world can sing with one voice, as a Hymn of Praise and Thankfulness for a peace that will endure,

God save the King.

WHEREFORE your Petitioner doth humbly pray that your Most Gracious Majesty will, if in the opinion of the Right Honourable Anthony Eden, your Majesty's Principal Secretary of State for Foreign Affairs, he doth deem such an Act of Union both expedient and advisable, promote a Bill therefor in your Majesty's Honourable House of Commons the principle terms whereof are respectfully submitted in the Schedule hereto.

AND your Petitioner as in duty bound will ever pray.

The Scedule hereinabefore referred to.

An Act of Union between the Kingdom of Great Britain, Ireland and of the British Dominions beyond the Seas with the United States of America.

(1941).

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

National Archives of Australia NAA: A981, UNI 173 PART 3

1. From and after the passing of this Act the Kingdom of Great Britain, Ireland and of the British Dominions beyond the Seas shall be united with the United States of America and henceforth shall be entitled "The United Kingdoms of Great Britain, Ireland and the United States of America and of the British Dominions beyond the Seas," subject to the Congress of the United States of America passing an Act of Union in similar terms to this Act.

2. All citizens of the United States of America, whether born in any state thereof or who may be a citizen by reason of any Act of Congress relating to births of children of American parents outside the jurisdiction thereof or relating to naturalisation, shall be and become subjects of His Majesty King George the Sixth and as such shall have and enjoy the same legal rights and liberties as are now had and enjoyed by all present subjects of His Majesty King George the Sixth aforesaid.

3. The United State of America shall hold and enjoy Dominion status as defined by the Imperial Conference of the year 1926 and shall be governed by and be subject, as at the passing of this Act, to all Acts of Congress but nevertheless shall be entitled to the benefit of all Acts of Imperial Parliament existing at the passing of this Act relating to Colonies of the British Empire.

4. The Colonial possessions of the United States of America and of Great Britain and Ireland shall pass with this Act as Colonial possessions of the Union hereby enacted but the said possession shall remain and be subject to their respective governments as at the passing of this Act.

5. The President of the United States of America shall be elected to office in the same manner as at the passing of this Act and when so elected shall be styled "His Britannic Majesty's President of the United States of America."

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Seas

6. As soon as conveniently may be after the passing of this Act a Commission shall be appointed consisting of lawyers who hold, or have held, high Judicial Office in the United States of America and in Great Britain in equal numbers who shall inquire into the existing state of the law in both countries relating to all matters of public and private rights, Common Law, Equity and Criminal Law and all other matters and upon their report the laws of both counttics shall, so far as is possible, be amended so that they may be uniform the one with the other and subject thereto there shall be a right of final appeal from all decisions of the Supreme Court of the United States of America at Washington to His Majesty's Judicial Committee of the Privy Council.

7. This Act may be cited as the Act of Union between Great Britain, Ireland and of t e British Dominions beyond the Seas with the United States of America.

8. This Act shall come into operation on the day of Nineteen hundred and fortyone.

SIGNED and dated at Wheathampstead in the said County of Hertford on Wednesday, the Sixteenth day of July, One thousand nine hundred and fortyone.

R. de Monmay Davies.

The grace of our Lord Jesus Christ, the love of God, and the fellowship of the Holy Ghost, be with us all evermore. Amen.

National Archives of Australia NAA: A981, UNI 173 PART 3

In the Matter of a proposed Act of Union between Great Britain, Ireland and the British Dominions beyond the Seas with the United States of America.

The Sixteenth day of July, 1941.

Signed copy.

P E T I T I O N

- to -

the King's Most Excellent Majesty,

by,

Folios 26.

R. de Mornay Davies,

Wheathampstead,

Herts.

25:8:1941.

National Archives of Australia NAA: A981, UNI 173 PART 3

Also WK

Lord Reading's Mission to the United States.

8vo 12364

According to a book entitled "British War Missions to the United States, 1914-1918" (Colonel W.G. Lyddon) Lord Northcliffe was succeeded as Chairman of the British War Missions by Sir Frederick Black who held the appointment until, in February 1918, the Marquis of Reading arrived at Washington to take up the appointments of Ambassador and High Commissioner.

141698/ 29503/W51 Vol.3115

2. As regards the genesis of Lord Reading's appointment it would appear, from such papers as I have been able to trace, that, in conversation with Lord Northcliffe in July, 1917 Colonel House stated that the United States Government were becoming "dissatisfied with the lack of frankness on the part "of the British Government" and urged that an "important British official, liberal in politics, "preferably an ex-Cabinet Minister, of high "financial ability, a personality well known to the "American public and press, should come to Washington "for three or four months to arrange the whole "future of financial relations between Great Britain "and the United States".

171923/ 29503/W51 Vol.3116

3. On 1st September, 1917 the British Consul-General at New York was informed that Lord Reading would leave England on 4th September as "Special Financial Commissioner to the United States" and that his arrival should be kept secret.

172576/W51 Vol. 3123

4. On 2nd September, 1917 Sir C. Spring Rice, the British Ambassador at Washington, was informed that in view of the difficulties which had arisen in connexion with the financial situation the War Cabinet had decided to ask Lord Reading to go out on a Special Mission to the United States. It was added that he would have the full authority of the War Cabinet to negotiate with the Administration and to decide on behalf of His Majesty's Government any questions that might be raised and that, though primarily concerned with finance, he would be authoris to deal with any subject which he considered desirable for the proper discharge of his Mission.

2471/2471 /45 of 1918

5. In a telegram of 3rd January, 1918 the British Ambassador at Washington was asked to ascertain whethe the appointment of the Earl of Reading as High Commissioner and Ambassador Extraordinary on a Special Mission would be agreeable to the United States Government. I have been unable to trace any background for this telegram.

6./

National Archives of Australia NAA: A981, UNI 173 PART 3

6. Lord Reading's appointment was notified to the press on 7th January, 1918 and it was stated that he would, as High Commissioner and Special Ambassador, have full authority over the members of all British Missions sent to the United States in connexion with the active prosecution of the war and the labours of such Missions would be completely under his direction and control.

14144/
2865/N45

FOREIGN OFFICE, S.W.1.

20th December, 1941.

National Archives of Australia NAA: A981, UNI 173 PART 3

No. 173

EXTERNAL AFFAIRS DEPARTMENT.

Subject: United States -
Relations with Great Britain.

2662

General.

Part. II

See also: War Records file - re. U.S.A - Aid for Great Britain.

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267/5

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